

### **REMARKS**

Claims 2-8, 15-22, 25 and 27-30 are pending in the application. Of these, claims 28-30 have been withdrawn from consideration as a result of a restriction requirement. Applicants have amended claims 6, 15, 20, 22, 25, and 27, and added new claim 31. Support for the amendments and the new claim can be found in the original claims as filed and throughout the specification.

### **Rejection under 35 U.S.C. §112, Second Paragraph**

The Examiner has rejected claims 2-6, 15-20, 22, 25 and 27 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In particular, the Examiner has objected to the recitation “R<sup>2</sup> is R<sup>9</sup>, R<sup>10</sup>, R<sup>11</sup>-pyridyl or N-oxide thereof, or R<sup>9</sup>, R<sup>10</sup>, R<sup>11</sup>-pyrimidyl” in claims 6, 15, 20 and 27. Applicants do not agree with the Examiner’s objection, but nevertheless have amended these claims to address the objection. The Examiner has also objected to claim 22, alleging that it is confusing. Applicants have also amended this claim to address the objection.

It is respectfully submitted that Applicants’ amendment of the subject claims overcome the Examiner’s rejection.

### **Claim Objections**

Applicants thank the Examiner for indicating the allowability of claims 7, 8, and 21, which have been objected to as being dependent upon a rejected base claim but have been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, at this point the Applicants choose not to rewrite these claims, as Applicants have amended all applicable base and intervening claims, rendering such rewriting of objected to claims unnecessary.

### **Date of Mailing of Office Action**

The Official Action to which this present response is addressed was indicated to be mailed on 07/17/2007 on the hard copy. However, Applicants

received this action by mail on the same date, viz., 07/17/2007. Under "status" PAIR indicated a "Non-Final Action Mailed" with a status date of 07/13/2007. Thus, it is believed that the present Official Action was actually mailed on 07/13/2007. The Office is respectfully requested to make appropriate corrections.

**CONCLUSION**

Applicants respectfully request prompt reconsideration of present claims 2-8, 15-22, 25, 27 and 31 and an early allowance of the application.

If the Examiner wishes to comment or discuss any aspect of this application or response, applicants' undersigned attorney invites the Examiner to call him at the telephone number provided below.

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Respectfully submitted,



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